

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

Call to Order: Chair Ryan Zinke, on February 21, 2011 at 3:00 PM, in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Ryan Zinke, Chair (R)
Sen. Rick Ripley, Vice Chair (R)
Sen. Gary Branae (D)
Sen. Taylor Brown (R)
Sen. Tom Facey (D)
Sen. Bob Hawks (D)
Sen. Bob Lake (R)
Sen. Frederick (Eric) Moore (R)
Sen. Sharon Stewart-Peregoy (D)

Members Excused:

Sen. Jeff Essmann (R)

Members Absent: None

Staff Present: Casey Barrs, Legislative Branch
Gilda Clancy, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 388, 2/19/2011; SB 386, 2/18/2011; SB 385, 2/18/2011

Executive Action: SB 388, SB 329, SB 386, SB 385, HB 182, SB 141

HEARING ON SB 388

Opening Statement by Sponsor:

00:06:43 Sen. Edward Walker (R), SD 29, opened the hearing on SB 388, Generally revise education laws for tenure flexibility.

Proponents' Testimony:

00:09:26 Alex Apostle, Superintendent, Missoula County Public Schools
00:15:56 Keith Beeman, Superintendent, Billings Public Schools
00:22:25 Connie Wardell, Trustee, Billings Public Schools

Opponents' Testimony:

00:24:39 Darrell Rud, Montana Association of Elementary and Middle School Principals (MAEMSP)

EXHIBIT(eds42a01)

Informational Testimony: None

Questions from Committee Members and Responses:

00:31:30 Sen. Hawks
00:32:02 Darrell Rud, MAEMSP
00:32:45 Sen. Hawks
00:32:50 Keith Beeman, Superintendent, Billings Public Schools
00:33:55 Sen. Hawks
00:34:16 Keith Beeman
00:35:12 Sen. Ripley
00:35:51 Darrell Rud
00:36:10 Sen. Ripley
00:36:33 Darrell Rud
00:36:48 Sen. Ripley
00:37:06 Sen. Walker
00:37:27 Sen. Facey
00:37:43 Connie Wardell, Trustee, Billings Public Schools
00:37:50 Sen. Facey
00:37:59 Connie Wardell
00:38:17 Sen. Facey
00:38:41 Darrell Rud
00:38:55 Sen. Facey
00:39:15 Darrell Rud
00:39:32 Sen. Facey
00:40:06 Sen. Walker

Closing by Sponsor:

00:40:33 Sen. Walker

HEARING ON SB 386

Opening Statement by Sponsor:

00:43:45 Sen. Sharon Stewart-Peregoy (D), SD 21, opened the hearing on SB 386,
Revise school laws for school reform and improvement.
00:50:24 Sen. Essmann entered the committee meeting.

Proponents' Testimony: None

Opponents' Testimony:

00:52:38 Dennis Parman, Deputy Superintendent of the Office of Public Instruction (OPI)
[EXHIBIT\(eds42a02\)](#)
00:57:21 Steve Meloy, Board of Public Education (BPE)
00:58:57 Lance Melton, Montana School Boards Association (MTSBA)
01:05:47 Marco Ferro, Montana Education Association-Montana Federation of Teachers
(MEA-MFT)
01:08:22 Darrell Rud, School Administrators of Montana (SAM)
01:09:36 Dave Puyear, Montana Rural Education Association (MREA)

Informational Testimony: None

Questions from Committee Members and Responses:

01:09:57 Sen. Essmann
01:10:23 Sen. Stewart-Peregoy
01:10:28 Sen. Essmann
01:11:02 Sen. Stewart-Peregoy
01:11:08 Sen. Moore
01:11:57 Sen. Stewart-Peregoy
01:12:46 Sen. Brown
01:13:35 Sen. Stewart-Peregoy
01:16:38 Sen. Brown
01:17:04 Sen. Stewart-Peregoy
01:18:25 Sen. Hawks
01:19:45 Sen. Stewart-Peregoy
01:20:40 Sen. Hawks
01:21:10 Sen. Stewart-Peregoy
01:21:55 Sen. Branae
01:22:36 Sen. Stewart-Peregoy

Closing by Sponsor:

01:23:23 Sen. Stewart-Peregoy
01:35:00 Debra Lamm, Montana Family Foundation (MFF) left Exhibit 3 & 4 (Debra did not
speak on the bill.)

[EXHIBIT\(eds42a03\)](#)

[EXHIBIT\(eds42a04\)](#)

HEARING ON SB 385

Opening Statement by Sponsor:

01:35:40 Sen. Mary Caferro (D), SD 40, opened the hearing on SB 385, Provide for parents as scholars program.

Proponents' Testimony:

01:38:48 Olivia Riutta, Montana Women Vote (MWV)

Opponents' Testimony:

01:41:04 Hank Hudson, Department of Public Health and Human Services (DPHHS)

Informational Testimony: None

Questions from Committee Members and Responses:

01:45:43 Sen. Essmann
01:46:36 Hank Hudson, DPHHS
01:47:51 Sen. Essmann
01:48:03 Hank Hudson
01:49:40 Sen. Ripley
01:50:18 Sen. Caferro
01:51:03 Sen. Moore
01:51:31 Hank Hudson
01:52:07 Sen. Moore
01:52:18 Hank Hudson
01:52:24 Sen. Facey
01:52:39 Hank Hudson
01:52:52 Sen. Facey
01:53:11 Hank Hudson
01:54:34 Chairman Zinke
01:54:55 Sen. Caferro
01:55:39 Chairman Zinke
01:55:48 Sen. Caferro
01:56:12 Sen. Moore
01:56:31 Sen. Caferro

Closing by Sponsor:

01:57:32 Sen. Caferro

EXECUTIVE ACTION ON SB 388

02:15:30 **Motion:** Sen. Ripley moved that **SB 388 DO PASS.**

02:15:50 **Motion/Vote:** Sen. Ripley moved that **SB 388 BE AMENDED.** Motion carried unanimously by voice vote.

EXHIBIT(eds42a05)

02:16:15 **Motion:** Sen. Facey moved that **SB 388 DO PASS AS AMENDED.**

Discussion:

02:16:35 Sen. Facey
02:16:58 Sen. Branae
02:17:24 Sen. Lake
02:18:22 Sen. Ripley
02:18:56 Sen. Essmann
02:19:39 Sen. Moore
02:20:10 Sen. Facey

02:20:44 **Vote:** Motion carried 6-4 by roll call vote with Sen. Branae, Sen. Facey, Sen. Hawks and Sen. Stewart-Peregoy voting no.

EXECUTIVE ACTION ON SB 329

02:21:28 **Motion:** Sen. Zinke moved that **SB 329 DO PASS.**

02:22:57 **Motion/Vote:** Sen. Brown moved that **SB 329 BE AMENDED.** Motion carried unanimously by voice vote.

EXHIBIT(eds42a06)

02:23:43 Chairman Zinke

Discussion:

02:25:18 Sen. Ripley
02:25:27 Chairman Zinke

02:26:13 **Motion:** Sen. Brown moved that **SB 329 BE AMENDED WITH A CONCEPTUAL AMENDMENT.**

EXHIBIT(eds42a07)

02:26:44 Chairman Zinke
02:27:15 Sen. Brown
02:28:00 Chairman Zinke
02:28:48 Sen. Lake
02:29:12 Chairman Zinke
02:29:30 Sen. Hawks
02:31:51 Sen. Lake

02:32:13 Casey Barrs, Legislative Services Division (LSD)
02:32:33 Chairman Zinke
02:33:13 Sen. Lake
02:33:51 Chairman Zinke
02:34:53 Sen. Lake
02:35:02 Chairman Zinke
02:35:31 Sen. Essmann
02:36:03 Sen. Brown withdrew his motion to add conceptual amendment.

02:36:22 **Motion:** Sen. Facey moved that **SB 329 BE AMENDED.**
EXHIBIT(eds42a08)

Discussion:

02:38:05 Chairman Zinke
02:40:00 Sen. Hawks
02:40:49 Chairman Zinke

02:42:39 **Vote:** Motion failed 5-5 by roll call vote with Sen. Branae, Sen. Facey, Sen. Hawks, Sen. Ripley and Sen. Stewart-Peregoy voting aye.

02:43:53 **Motion/Vote:** Sen. Ripley moved that **SB 329 DO PASS AS AMENDED.** Motion carried 9-1 by roll call vote with Sen. Facey voting no.

EXECUTIVE ACTION ON SB 386

02:44:45 **Motion:** Sen. Stewart-Peregoy moved that **SB 386 DO PASS.**

Discussion:

02:44:58 Sen. Brown
02:45:44 Sen. Lake
02:46:20 Sen. Hawks
02:46:58 Sen. Essmann

02:47:53 **Vote:** Motion failed 5-5 by roll call vote with Sen. Brown, Sen. Essmann, Sen. Lake, Sen. Moore and Sen. Stewart-Peregoy voting aye.

02:48:48 **Motion/Vote:** Sen. Facey moved that **SB 386 BE TABLED.** Motion failed 4-6 by roll call vote with Sen. Branae, Sen. Facey, Sen. Hawks and Sen. Ripley voting aye.

EXECUTIVE ACTION ON SB 385

02:50:01 **Motion:** Sen. Ripley moved that **SB 385 DO PASS.**

02:50:42 **Motion/Vote:** Sen. Facey moved that a **CONCEPTUAL AMENDMENT THAT "25" REPLACE "50" TO SB 385 BE ADOPTED**. Motion carried unanimously by voice vote.

02:51:20 **Motion/Vote:** Sen. Facey moved that **SB 385 DO PASS AS AMENDED**. Motion carried 9-1 by roll call vote with Sen. Lake voting no.

EXECUTIVE ACTION ON HB 182

02:52:38 **Motion:** Sen. Facey moved that **HB 182 BE CONCURRED IN**.

02:53:37 **Motion/Vote:** Sen. Facey moved that **HB 182 BE CONCURRED IN AS AMENDED**. Motion carried unanimously by voice vote.

[**EXHIBIT**](#)(eds42a09)

02:53:58 **Motion/Vote:** Sen. Facey moved that **HB 182 BE CONCURRED IN AS AMENDED**. Motion carried unanimously by voice vote. Senator Edward Buttrey will carry HB 182.

Discussion:

02:54:22 Sen. Essmann
02:55:00 Chairman Zinke

EXECUTIVE ACTION ON SB 141

02:55:29 **Motion/Vote:** Sen. Brown moved that previous action on **SB 141 BE RECONSIDERED AND REMOVED FROM THE TABLE**. Motion carried 8-2 by roll call vote with Sen. Lake and Sen. Ripley voting no.

Discussion:

02:56:56 Casey Barrs
02:57:16 Sen. Brown
02:57:20 Chairman Zinke
02:57:30 Casey Barrs

02:57:53 **Motion:** Sen. Essmann moved that **SB 141 BE AMENDED**.

[**EXHIBIT**](#)(eds42a10)

[**EXHIBIT**](#)(eds42a11)

Discussion:

02:58:22 Casey Barrs
03:00:12 Sen. Essmann
03:02:55 Sen. Brown
03:03:16 Sen. Essmann

03:03:31 Sen. Brown
03:04:39 Sen. Lake
03:04:48 Chairman Zinke
03:05:17 Sen. Brown
03:06:00 Lance Melton, Montana School Boards Association (MTSBA)
03:08:49 Sen. Brown
03:09:32 Sen. Essmann
03:10:02 Chairman Zinke
03:10:14 Sen. Essmann withdrew his motion to amend SB 141.
03:11:01 **Motion:** Sen. Essmann moved that **SB 141 BE AMENDED.**
[EXHIBIT\(eds42a12\)](#)
[EXHIBIT\(eds42a13\)](#)
03:11:50 Sen. Facey left the committee hearing.

Discussion:

03:11:33 Sen. Lake
03:12:05 Sen. Essmann
03:13:36 Sen. Brown
03:14:42 Casey Barrs

03:15:29 **Substitute Motion:** Sen. Essmann made a substitute motion that **SB 141 BE AMENDED WITH A CONCEPTUAL AMENDMENT.**

Discussion:

03:17:40 Sen. Brown
03:17:55 Sen. Essmann
03:18:07 Sen. Brown
03:18:21 Sen. Essmann
03:18:41 Sen. Brown
03:18:51 Sen. Essmann
03:19:12 Chairman Zinke
03:19:21 Casey Barrs
03:20:00 Sen. Essmann
03:20:42 Casey Barrs
03:20:57 Sen. Essmann

03:21:24 **Vote:** Motion carried unanimously by voice vote of those present and voting.

03:21:40 **Motion/Vote:** Sen. Essmann moved that **SB 141 DO PASS AS AMENDED.**
Motion carried 7-3 by roll call vote with Sen. Lake, Sen. Moore and Sen. Ripley
voting no. Sen. Facey voted by proxy.

03:22:50 Casey Barrs
03:23:13 Chairman Zinke

ADJOURNMENT

Adjournment: 6:42 P.M.

Gilda Clancy, Secretary

gc

Additional Documents:

EXHIBIT([eds42aad.pdf](#))